

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDUARDO RIVERA,

Defendant.

Case No. [00-cr-00477-SI-1](#)

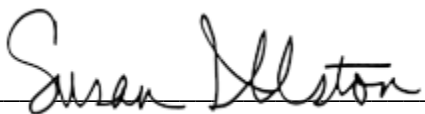
**ORDER RE: DEFENDANT'S MOTION
TO FORGIVE RESTITUTION
INTEREST**

Defendant's motion to forgive restitution interest and preventing seizure of income tax refunds is scheduled for a hearing on April 28, 2023 at 11:00 a.m. The Court has reviewed the briefing and is of the preliminary view that the motion should be granted because it is in the interest of justice for all of the reasons articulated in defendant's papers and declarations. It is also the Court's opinion that denial of the motion could lead to the creation of an unfortunate set of circumstances that could impair Mr. Rivera's rehabilitation and reintegration into society and thus jeopardize public safety.

The government contends, *inter alia*, that the Court does not have the authority to waive interest but that the Attorney General does have such authority pursuant to 18 U.S.C. § 3612(h). While the Court is determining the extent to which it can grant the requested relief, the Court also directs the government to be prepared to address the following at the April 28 hearing: whether the United States Attorney Ismail J. Ramsey has reviewed this matter, whether Mr. Ramsey has contacted Attorney General Merrick Garland regarding the relief sought, and the positions of Messrs. Ramsey and Garland regarding Mr. Rivera's request.

IT IS SO ORDERED.

Dated: April 25, 2023


SUSAN ILLSTON
United States District Judge